

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

-----X  
Thomas Fallen, (05-A-0378) :  
 :  
 : Petitioner, : No. 08 Civ. 5872 (SCR) (MDF)  
 :  
 :  
 : -against- : ORDER  
 :  
 :  
 William J. Connolly, Superintendent, :  
 Fishkill Correctional Facility, :  
 :  
 : Respondent. :  
 :  
 -----X

MARK D. FOX, United States Magistrate Judge:

Upon the petition for issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2254, dated October 17, 2007 and filed, it is hereby ORDERED that:

1. Within ninety (90) days of the date of this order, respondent shall serve a copy of the answer to the petition on the petitioner herein and file the original thereof with proof of service with the Clerk of this Court in White Plains, New York;

2. Respondent shall also submit the transcript of the trial and copies of all briefs and decisions on appeal or in connection with proceedings pursuant to New York Criminal Procedure Law Article 440 or any other post trial motions;

3. Petitioner, within sixty (60) days after the filing of the answer, shall serve upon respondent's attorney and file his reply to the answer, with the Clerk of this Court in White Plains, New York; and

4. Service of a copy of this Order shall be made by the Clerk of this Court by regular mail to: (1) Petitioner, Thomas Fallen, (05-A-0378), Fishkill Correctional Facility, PO Box 1245, Beacon, New York 12508; (2) to respondent or his successor at Fishkill Correctional Facility, PO Box 1245, Beacon, New York 12508; and (3) to the Attorney General of the State of New York, 120 Broadway, New York, New York 10271; and by certified mail, together with a copy of the petition, to the District Attorney of Orange County, Orange County Government Ctr., 255-275 Main Street, Goshen, NY 10924.

Dated: July 17, 2007  
White Plains, New York

  
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MARK D. FOX  
United States Magistrate Judge

